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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/517,613      | 03/02/2000  | Thiru Srinivasan     | 1642(42059-01010)   | 4139             |

25231 7590 06/02/2003

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EXAMINER

ENGLAND, DAVID E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2143

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DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,613

Applicant(s)

SRINIVASAN, THIRU

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1 – 19 are presented for examination.

#### *Response to Arguments*

2. Claims 1 – 19 that were rejected from the last office action, are still respectfully maintained and will be further clarified below. Furthermore, the assumption of the Applicant is correct in claim 11 being rejected based on a combination of Eyal and Martino.
3. In the remarks, Applicant argued in substance that states that Eyal does not appear to disclose the limitations in Claim 1 relating to a selection interface configured to compile a download schedule and a file download device which based on the download schedule automatically accesses the remote sites through the interface and downloads the selected multimedia file.
4. As to part 1, Eyal does teach compile a download schedule and a file download device which based on the download schedule. The Examiner would like to clarify and further point out that Eyal teaches these limitations. In the section quoted, (e.g. col. 2, line 43 – col. 3, line 9), more specifically, “The network interface signals the request to a network server module that is communicatable with the database, and receives one or more addresses in the database that match the search request.” Though this is just one example and should not be strictly bounded by this, for there are other sections of the reference that support this limitation. The database, with the list of addresses, is used as the download schedule to download media from a network server. Reading further down the column it discusses how a network server module automatically loads media network resources located by the addresses that match the

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search request. This limitation and others that are listed in the claims that are rejected by Eyal are further pointed out in the following sections, (e.g. col. 1, line 50 – col. 2, line 42; col. 3, line 29 – col. 4, line 55; col. 5, line 46 – col. 7, line 47 & col. 15, line 17 – 16, line 54).

5. In the remarks, Applicant argued in substance that states that Claim 10 includes similar limitations discussed above in connection with Claim 1 that are not found in either Eyal or Martino. Specifically, neither Eyal nor Martino disclose or suggest the step of compiling a download schedule based on the received inputs, wherein the scheduling includes a description of the multimedia files selected, day and time of download, and downloaded information.
6. As to part 2, in the clarification of the rejection of claim 10, Eyal teaches the limitation that discloses compiling a download schedule based on the received inputs, wherein the scheduling that is cited in the claim and refers to, (e.g. col. 2, line 43 – col. 3, line 9 & col. 12, lines 37 – 63 & col. 30, lines 17 – 60). Furthermore, Examiner would like to draw the attention of the Application to the clarification in part 1 of the office action for there are similarities in the limitations. Having this limitation already rejected, it is repeated in the section that Martino is referenced to. Knowing that the repeated limitation was already rejected with Eyal, it was assumed that it would be apparent that the rejection being a 103(a), that the repeated limitation that Eyal rejected was in combination with the limitation that was not repeated in the limitation stated later and rejected by Martino. Martino discloses a description of the multimedia files selected, day and time of download, and downloaded

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information, disclosed in column 9, lines 39 – 67. At the end of this the column, Martino teaches, “the time of data entry, the date of data entry, the user ID.” Furthermore, Martino discloses this limitation in column 20, lines 30 – 51.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the

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organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De *DE*  
May 29, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**